

Lawrence D. Rohlring

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Attorneys for Plaintiff
Eena Saesee

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|----------------------------------|
| EENA SAESEE, |) | Case No.: 1:21-cv-01562-SKO |
| |) | |
| Plaintiff, |) | STIPULATION AND ORDER FOR |
| |) | THE AWARD AND PAYMENT OF |
| vs. |) | ATTORNEY FEES AND EXPENSES |
| |) | PURSUANT TO THE EQUAL |
| KILOLO KIJAKAZI, |) | ACCESS TO JUSTICE ACT, 28 U.S.C. |
| Acting Commissioner of Social |) | § 2412(d) AND COSTS PURSUANT |
| Security, |) | TO 28 U.S.C. § 1920 |
| |) | |
| Defendant. |) | (Doc. 21) |

TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Eena Saesee be awarded attorney fees and expenses in the amount of four thousand four hundred forty dollars (\$4,440.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of four hundred two dollars (\$402.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal services

1 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
2 accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Saesee, the government
4 will consider the matter of Saesee's assignment of EAJA fees to Lawrence D.
5 Rohlfig. The retainer agreement containing the assignment is attached as exhibit
6 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor
7 the assignment will depend on whether the fees are subject to any offset allowed
8 under the United States Department of the Treasury's Offset Program. After the
9 order for EAJA fees is entered, the government will determine whether they are
10 subject to any offset.

11 Fees shall be made payable to Saesee, but if the Department of the Treasury
12 determines that Saesee does not owe a federal debt, then the government shall
13 cause the payment of fees, expenses and costs to be made directly to Law Offices
14 of Lawrence D. Rohlfig, Inc., CPC, pursuant to the assignment executed by
15 Saesee.¹ Any payments made shall be delivered to Lawrence D. Rohlfig.

16 This stipulation constitutes a compromise settlement of Eena Saesee's
17 request for EAJA attorney fees, and does not constitute an admission of liability on
18 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
19 shall constitute a complete release from, and bar to, any and all claims that Saesee
20 and/or Lawrence D. Rohlfig including Law Offices of Lawrence D. Rohlfig,
21 Inc., CPC may have relating to EAJA attorney fees in connection with this action.

22 This award is without prejudice to the rights of Lawrence D. Rohlfig and/or
23 the Law Offices of Lawrence D. Rohlfig, Inc., CPC to seek Social Security Act
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25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
2 the EAJA.

3 DATE: November 7, 2022 Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

5 /s/ *Lawrence D. Rohlfing*

6 BY: Lawrence D. Rohlfing
7 Attorney for plaintiff Eena Saesee

8
9 DATED: November 7, 2022 PHILLIP A. TALBERT
10 United States Attorney
11 MATHEW W. PILE
12 Associate General Counsel
13 Social Security Administration

14 /s/ *Andrea Banks*

15 ANDREA BANKS
16 Special Assistant United States Attorney
17 Attorneys for Defendant
18 KILOLO KIJAKAZI, Acting Commissioner of
19 Social Security (Per e-mail authorization)
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ORDER

Based upon the parties' foregoing Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation") (Doc. 21),

IT IS ORDERED that fees and expenses in the amount of four thousand four hundred forty dollars (\$4,440.00) under EAJA, 28 U.S.C. § 2412(d), and costs in the amount of four hundred two dollars (\$402.00) under 28 U.S.C. § 1920 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **November 9, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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